

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

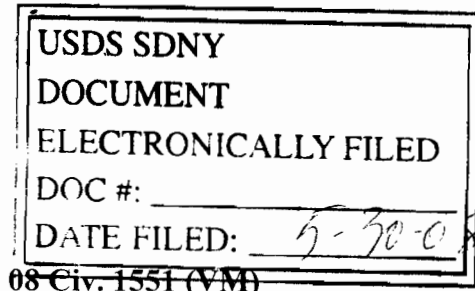
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PETER J. GOLDFINGER,

Plaintiff,

- against -

WATERFRONT COMMISSION OF NEW YORK
HARBOR, THOMAS DE MARIA,
MICHAEL C. AXELROD, and
MICHAEL J. MADONNA,

Defendants.
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**CIVIL CASE MANAGEMENT
PLAN AND SCHEDULING ORDER**

ECF CASE

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is)~~(is not)~~ to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by July 29, 2008.
3. Amended pleadings may be filed without leave of the Court until June 10, 2008 and, if the complaint is amended, answer to be served within 10 days, unless stipulated otherwise.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than May 29, 2008.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than September 30, 2008; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than N/A.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.

- a. Initial requests for production of documents to be served by June 25, 2008.
 - b. Interrogatories to be served by all party by June 25, 2008.
 - c. Depositions to be completed by September 30, 2008.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
 - d. Any additional contemplated discovery activities and the anticipated completion date:
 - i. Defendants request that the following additional discovery be completed and provided by July 1, 2008: (1) responses to discovery and inspection; (2) HIPAA compliant authorizations for Plaintiff's psychiatric records, in light of his allegations of mental anguish and emotional distress; (3) authorizations for tax records including W-2 or IRS records for the periods two years prior to and two years after Plaintiff's termination.
 - ii. Plaintiff does not consent to the above requests. The documents defendants seek should be requested in the normal course of discovery, so plaintiff may enter any objections and the parties have an opportunity to meet and confer to resolve disputes prior to seeking judicial intervention. Thus, defendants' requests are premature. In any event, the above requests are overbroad, and seek information that is either privileged or not relevant to the claims or defenses in this matter.
 - e. Requests to Admit to be served no later than August 29, 2008.
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiff October 30, 2008.
 - b. Defendant October 30, 2008.
8. Contemplated motions:
- a. Plaintiff Plaintiff does not anticipate filing any dispositive motions at this time.

- b. Defendant Defendants anticipate filing a Motion for Summary Judgment at the close of discovery. If warranted by claims, Defendants anticipate filing a Rule 35 motion for mental or physical examination. Additional discovery motions may be filed as needed.
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than November 17, 2008.
10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?
- Yes _____ No X _____

TO BE COMPLETED BY THE COURT:

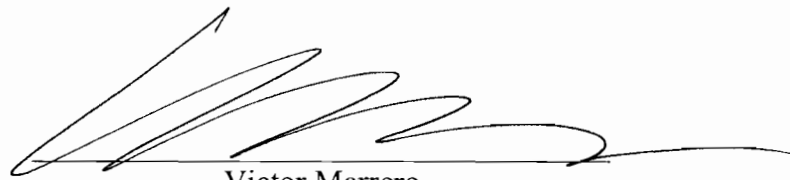
7. The next Case Management Conference is scheduled for 10-10-08 at 4:15 p.m.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York
30 May, 2008


Victor Marrero
U.S.D.J.